


CERTIFICATE OF MAILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being electronically deposited with the USPTO with the USPTO EFS electronic filing system:

on November 19, 2007 (Date of Deposit)

Mark Watson

By


Signature

Application No. : 09/681,183

Confirmation No. : 7809

Applicant : CAPPS, Stephan P.

**Title : A SYSTEM AND METHOD FOR PROVIDING A UNIVERSAL
AND AUTOMATIC COMMUNICATION ACCESS POINT**

Filed : February 13, 2001

TC/A.U. : 2162

Examiner : CORRIELUS, Jean M.

Docket No. : MCS-058-00 (158445.01)

Customer No. : 27662

Hon. Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

Petition for Withdrawal of Holding of Abandonment Under 37 CFR 1.181(a)

Sir:

The discussion is provided in response to the final Advisory Action dated June 18, 2007 and the Notice of Abandonment dated November 14, 2007:

Remarks/Arguments begin on page 2 of this paper.

REMARKS

In response to the Notice of Abandonment dated November 14, 2007, Applicant contends that the application is not in fact abandoned. In particular, following Applicants response to the Final Office Action, an Advisory Action was issued on June 18, 2007. The Advisory Action (see attached copy) specifically stated the following:

"The request for reconsideration has been considered. ***The last office action has vacated and a new office action will be forthcoming.***" (emphasis added)

As such, no response was due by the Applicant since the Final Office Action was officially vacated by the Advisory Action. Since no response was due by the Applicant at the time of the holding of abandonment, the Application was incorrectly abandoned. Therefore, Applicant respectfully petitions that the holding of abandonment be withdrawn at the earliest opportunity in order to continue prosecution of this case.

Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,183	02/13/2001	Stephan P. Capps	MCS-058-00	7809
27662 7590 06/18/2007 MICROSOFT CORPORATION C/O LYON & HARR, LLP 300 ESPLANADE DRIVE SUITE 800 OXNARD, CA 93036			EXAMINER CORRIELUS, JEAN M	
			ART UNIT	PAPER NUMBER
			2162	
			MAIL DATE	DELIVERY MODE
			06/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/681,183	CAPPS, STEPHAN P.	
	Examiner	Art Unit	
	Jean M. Corielus	2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


Jean M. Corielus
Primary Examiner
Art Unit: 2162

Continuation of 13. Other: The request for reconsideration has been considered. The last office action has vacated and a new office action will be forth coming.